

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO. 4:17-CV-40126

KAREN PROUTY,)
Plaintiff,)
)
v.)
)
RAMAKRISHNA THIPPANNA, M.D.,)
BOGDAN NEDELESCU, M.D., IDANIS)
BERRIOS MORALES, M.D., JOHNNY S.)
SALAMEH, JOHN/JANE DOE, PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
CAROLYN PARKER, R.N., FAIRLAWN)
MEDICAL INVESTORS, LLC, d/b/a LIFE CARE)
CENTER OF AUBURN, and UMASS)
MEMORIAL MEDICAL GROUP, INC.)
Defendants.)

NON-PARTY WORCESTER INTERNAL MEDICINE, INC.’ S
EMERGENCY MOTION FOR PROTECTIVE ORDER AS TO THE
PLAINTIFF’S 30(B)(6) DEPOSITION NOTICE

NOW COMES non-party entity, Worcester Internal Medicine, Inc. (hereinafter “WIM”), through counsel, and hereby respectfully moves this Honorable Court to issue a protective order as to the plaintiff’s 30(b)(6) Deposition Notice, preventing that deposition from taking place on Wednesday, January 16, 2019 at 10:00 a.m., so that counsel may be provided a reasonable amount of time to meet with its client and challenge the plaintiff’s subpoena if appropriate under the circumstances. Counsel for WIM have not been provided sufficient opportunity to (1) challenge the plaintiff’s subpoena, (2) investigate, designate and prepare any witnesses for deposition, or (3) produce any documents responsive to Schedule B. In support of WIM’s emergency motion, the Court is referred to the attached Memorandum of Law.

WHEREFORE, for the reasons stated above and in the attached Memorandum, non-party entity, Worcester Internal Medicine, Inc., respectfully requests that this Honorable Court issue a protective order as to the Plaintiff's 30(b)(6) Deposition Notice to prevent that deposition from taking place on Wednesday, January 16, 2019.

REQUEST FOR ORAL ARGUMENT

Non-party, Worcester Internal Medicine, Inc., hereby requests an oral argument in this matter pursuant to Local Rule 7.1(d).

Worcester Internal Medicine, Inc.
By its attorneys,
CAPPLIS, CONNORS & CARROLL, PC

/s/ Thomas M. Dolan, III
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CERTIFICATE OF SERVICE

I, Thomas M. Dolan, III, hereby certify that the above document, filed through the CM/ECF system, will be sent electronically to the registered participants, as identified on the Notice of Electronic Filing on this 15th day of January, 2019.

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RULE 37 CERTIFICATION

I, Thomas M. Dolan III, hereby certify that I have complied with Local Rule 37.1.

On Friday, January 11, 2019 and Monday January 14, 2019, I wrote to Attorney Ingrid Halstrom to request that this Rule 30(b)(6) deposition notice be withdrawn. Plaintiff's counsel did not respond to either letter until January 15, 2019, at which time she declined to withdraw the Deposition Notice.

On the afternoon of January 15, 2019, I spoke with Attorney Ingrid Halstrom via telephone, at which time I was informed that this Emergency Motion would still be necessary and that it would be opposed in writing.

As the parties have not been able to reach any agreement, non-party entity, Worcester Internal Medicine, Inc., now files an Emergency Motion for a Protective Order.

/s/ Thomas M. Dolan, III

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